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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,138	02/28/2000	Regis J. Crinon	SLA0207	9032
20575 759	90 09/21/2004		EXAM	INER
MARGER JOI	HNSON & MCCOLLO	JAIN, RAJ K		
1030 SW MORI PORTLAND, (RISON STREET	ART UNIT	PAPER NUMBER	
FORTLAND, C	JR 7/203		2664	
			DATE MAILED: 09/21/2004	4

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	plicant(s)				
	09/514,138	CRINON, REGIS J.				
Office Action Summary	Examiner	Art Unit				
·	Raj Jain	2664				
The MAILING DATE of this communic						
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR THE MAILING DATE OF THIS COMMUNIC - Extensions of time may be available under the provisions of after SIX (6) MONTHS from the mailing date of this communication of the period for reply specified above is less than thirty (30). - If NO period for reply is specified above, the maximum statu. - Failure to reply within the set or extended period for reply with any reply received by the Office later than three months after earned patent term adjustment. See 37 CFR 1.704(b).	ATION. 37 CFR 1.136(a). In no event, however, mication. days, a reply within the statutory minimum of tory period will apply and will expire SIX (6) II, by statute, cause the application to becor	ay a reply be timely filed of thirty (30) days will be considered timely. MONTHS from the mailing date of this communication. ne ABANDONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed	on <u>28 February 2000</u> .					
2a) This action is FINAL . 2b	This action is FINAL . 2b)⊠ This action is non-final.					
•—	-					
closed in accordance with the practice	under <i>Ex parte Quayle</i> , 1935	C.D. 11, 453 O.G. 213.				
Disposition of Claims						
4) Claim(s) 1-6 is/are pending in the app	Claim(s) <u>1-6</u> is/are pending in the application.					
4a) Of the above claim(s) is/are	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.	Claim(s) is/are allowed.					
6)⊠ Claim(s) <u>1 and 4</u> is/are rejected.	Claim(s) <u>1 and 4</u> is/are rejected.					
7) \boxtimes Claim(s) 2.3.5.6 is/are objected to.	Claim(s) 2,3,5,6 is/are objected to.					
8) Claim(s) are subject to restriction	on and/or election requirement	•				
Application Papers						
9) The specification is objected to by the	Examiner.					
10)⊠ The drawing(s) filed on 28 February 20	000 is/are: a)⊠ accepted or b)□ objected to by the Examiner.				
Applicant may not request that any objecti	on to the drawing(s) be held in ab	eyance. See 37 CFR 1.85(a).				
		wing(s) is objected to. See 37 CFR 1.121(d).				
11)☐ The oath or declaration is objected to t	by the Examiner. Note the attach	ched Office Action or form PTO-152.				
Priority under 35 U.S.C. § 119		•				
12) Acknowledgment is made of a claim for a) All b) Some * c) None of: 1. Certified copies of the priority do copies of the priority do copies of the priority do copies of the certified copies of application from the International * See the attached detailed Office action	ocuments have been received ocuments have been received the priority documents have bear Bureau (PCT Rule 17.2(a)).	in Application No een received in this National Stage				
Attachment(s) 1) Notice of References Cited (PTO-892)	4) ☐ Interv	riew Summary (PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PT	O-948) Paper	r No(s)/Mail Date				
Information Disclosure Statement(s) (PTO-1449 or P Paper No(s)/Mail Date	10,00,00	e of Informal Patent Application (PTO-152)				

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DETAILED ACTION

Claim Objections

Claim 6 is objected to because of the following informalities: Examiner believes Claim 6 is a repeat of claim 5 with slight paraphrasing of claim 5, as the limitations of both these claims performs the same functions. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner et al (US Pat. 6,327,275 B1) hereafter referred to as Gardner, in view of Eleftheriadis et al (US Pat. 6079566) hereafter referred to as Eleftheriadis.

Regarding claims 1 & 7, Gardner discloses a method and apparatus for remultiplexing packets that are provided at variable rates in digital bitstreams using a delay buffer and rate estimation (see abstract and Fig 1). The apparatus comprises of:

- a) a first demultiplexer operable to demultiplex a transport stream into packets each having a given packet identifier (the remultiplexer shown in Fig 1 (110) and Fig 2);
- b) at least two transport buffers operable to receive packets from the first demultiplexer, each said transport buffer receiving packets with the same

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packet identifier (the transport buffers are provided at the encoder to prevent overflow and underflow of data see col 1 lines 50-63, as the number of streams may vary, so shall the required number of buffers incorporated such as for data, video and audio, see col 2 lines 1-14);

c) a smoothing buffer, corresponding to one of the transport buffers, to operable to receive packets from the transport buffer at a predetermined rate (see Fig 2 (220) for smoothing of data, reducing short term fluctuations in the data stream, see col 5 lines 14-67);

Elementary data buffers operable to receive the data access unit data from the second demultiplexer. Gardner discloses the use of buffers to retain data streams to delay and/or discard data as appropriate, however, since Gardner fails to disclose a secondary demux within the invention one would not have included additionally data buffers until the addition of additional mux/demux units accordingly.

Gardner fails to disclose a second demux in conjunction with the smoothing buffer.

Eleftheriadis discloses the use of a FlexMux or flexible multiplexer or multiplexers which in turn would include appropriate number of demultiplexers or second demux.

The FlexMux option provides a simple multiplexing facility by allowing elementary streams to populate channels within a FlexMux (see Fig 3 and col 4 lines 14-30). It also allows multiple media to share a FlexMux PDU, which is useful for low delay and/or low-bandwidth applications.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a FlexMux as taught by Eleftheriadis within Gardner to allow

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multiple streaming formats to be transferred directly over a network, by enabling the storage of multiplexed protocol data units.

Allowable Subject Matter

Claims 2, 3, 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Jain whose telephone number is 571-272-3145. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

RJ September 10, 2004